

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:08-CR-00134-RJC-DSC

USA

v.

HEVERTH ULISES CASTELLON

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ORDER

**THIS MATTER** is before the Court upon remand from the United States Court of Appeals for the Fourth Circuit for resentencing after vacatur of the defendant's conviction for violating 18 U.S.C. § 924(c) (Count 48). (Doc. No. 1741: Order).

**IT IS, THEREFORE, ORDERED** that the United States Marshal have Heverth Ulises Castellon (Reg. No. 23064-058) present in Charlotte, North Carolina forthwith, but not later than January 23, 2023, at 10 a.m. for a sentencing hearing.<sup>1</sup>

The Clerk is directed to certify copies of this Order to the Federal Public Defender, the United States Attorney; the United States Probation Office, the United States Marshals Service, and the Clerk of the United States Court of

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<sup>1</sup> Although the parties agree the defendant can be resentenced in absentia, (Doc. No. 1753: Joint Mem. at 3), the Fourth Circuit has held, "Ordinarily, a defendant being sentenced for a felony may not waive his right to be present at sentencing." United States v. Tolson, 129 F.3d 1261, 2017 WL 712922, slip op. at \*2 (4th Cir. Nov. 17, 1997) (unpublished).

Appeals for the Fourth Circuit.

Signed: January 3, 2023

A handwritten signature in black ink, reading "Robert J. Conrad, Jr.", written over a horizontal line.

Robert J. Conrad, Jr.  
United States District Judge

